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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/428,625	04/25/95	OKABE MORGAN & FINNEMAN LLP	M 2122-4028

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TM02/0302

EXAMINER

MAIL TRANSMISSION

ART UNIT	PAPER NUMBER
2164	II

DATE MAILED:

03/02/01

**FINAL REJECTION**

Please find below and/or attached an Office communication concerning this application or proceeding.

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**GROUP 3600**

CASE 2122-4028 ATTY BDD  
DUE DATE June 2, 2001  
STATUTORY DATE September 2, 2001

BY yg



<b>Office Action Summary</b>	<b>Application No.</b> 08/428,325  <b>Examiner</b> Walter Malinowski	<b>Applicant(s)</b> OKABE, MASATO  <b>Art Unit</b> 2164
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 December 2000.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 4-9, 13-15, and 19-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 4-9, 13-15, and 19-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.  
 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. §§ 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15) <input type="checkbox"/> Notice of References Cited (PTO-892) 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 20) <input type="checkbox"/> Other: _____
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## DETAILED ACTION

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: part number "63" of Fig. 42 is not identified in the specification. Correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 4-9, 13-15, and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takanashi et al. (Takanashi), U.S. Patent No. 5,315,410.

Takanashi discloses a photoelectric sensor including a photoconductive layer on an electrode and used to record information on an information recording medium (column 5, lines 50-60), characterized in that when voltage is applied to the sensor after the sensor has been exposed to light with no voltage applied thereto (as shown in Figs. 3-8; column 7, lines 39-68) or voltage of opposite polarity applied thereto.

Takanashi does not disclose a photo-induced current is generated depending upon exposure quantity so that the information can be recorded on the information recording medium.

Because Takanashi discloses an electric field is applied (column 7, lines 27-30) and light is provided to the photosensitive layer (column 6, line 37), photo-induced currents are generated.

Therefore, it would have been obvious a photo-induced current is generated depending upon exposure quantity so that the information can be recorded on the information recording medium in the device of Takanashi.

Furthermore, Takanashi does not disclose the exposed portion is made higher in conductivity than the unexposed portion and the exposed portion is kept still higher in conductivity than the unexposed portion even after the exposure of the sensor to information light has been finished, and while the sensor remains exposed to information light or after the exposure of the sensor to information light has been finished, nor the application of voltage of opposite polarity is applied thereto, and then the original voltage is again applied thereto, whereby the resulting conductivity is made equal to that obtained by the continued application of voltage.

Takanashi does disclose the impedance of the photoconductive layer 114 varies in accordance with the optical image of the object O, so that the electric field applied to the photo-modulation layer 111 depends on the optical image of object O and the application of the image-dependent electric field to the photo-modulation layer 111 forms a charge latent image on the photo-modulation layer 111 (column 12, lines 21-28). Takanashi also discloses that applied voltage time and amplitude may be varied (column 14, lines 15-25).

It would have been obvious to make the exposed portion higher in conductivity than the unexposed portion and keep the exposed portion still higher in conductivity than the unexposed portion even after the exposure of the sensor to information light has been finished so that the charge is reliably set in the recording medium.

Furthermore, it is well known to make the sensor exposed to information light or after the exposure of the sensor to information light has been finished, apply voltage of opposite polarity is applied thereto, and then the original voltage is again applied thereto, whereby the resulting conductivity is made equal to that obtained by the continued application of voltage to permit optimization of device performance.

Takanashi shows the image recording medium and the photoelectric sensor separated by an air gap (see Fig. 9). Since Takanashi teaches varying the applied voltage, it would have been obvious to optimize performance to comply with the reciprocity law.

Furthermore, Takanashi (see Fig. 10) shows the photoelectric sensor and the information recording medium being stacked on each other. Takanashi shows a mechanism 4 for starting the application of voltage to the electrodes.

Takanashi teaches the information recording medium is a liquid crystal recording medium including on the electrode a liquid crystal-polymer composite material layer comprising liquid crystals and resin (column 6, lines 1-5).

Since shutter speed and recording properties may be varied, it would have been obvious to satisfy the reciprocity law in optimizing performance.

Takanashi teaches the voltage applied is controlled.

2. Claims 20, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takanashi et al. (Takanashi), U.S. Patent No. 5,315,410, as applied to Claims 4-9, 13-15, 19, 21-23, and 26-28 above, and further in view of Ando et al. (Ando), U.S. Patent No. 4,692,779, and Shimizu et al. (Shimizu), U.S. Patent No. 5,646,927.

Takanashi makes obvious the photoelectric sensor, but does not teach the photoelectric sensor is characterized in that when an electric field of  $10^5$  to  $10^6$  V/m is

applied to the sensor, a current passing through the unexposed portion has a current density of  $10^{-4}$  to  $10^{-7}$  A/cm<sup>2</sup>.

Ando teaches that liquid crystal in an image forming apparatus have electric fields on the order of  $10^5$  to  $10^6$  V/m applied (column 4, line 63, through column 5, line 2).

Shimizu teaches generated photocurrent is about  $10^{-6}$  A/cm<sup>2</sup> (column 26, lines 1-8).

Therefore, as to Claim 3, it would have been obvious to use an electric field of  $10^5$  to  $10^6$  V/m and a current of  $10^{-4}$  to  $10^{-7}$  A/cm<sup>2</sup>, as suggested by Ando and Shimizu, in the device of Takanashi.

### ***Response to Arguments***

3. Applicant's arguments filed March 20, 2000, have been fully considered but they are not persuasive.

No arguments were provided in the amendment.

### ***Conclusion***

This is a CPA of applicant's earlier Application No. 08/428,325. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter Malinowski whose telephone number is (703) 308-3172. The examiner can normally be reached on M-F 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5401 for regular communications and (703) 308-5355 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*Walter Malinowski*  
Walter J. Malinowski  
Primary Examiner  
Technology Center 2800

wjm  
February 28, 2001